

Remarks

Claims 1-6 are pending in this application. In rejecting Claim 2, the Examiner has stated that in Claim 2, the phrase “and the like” renders the claim indefinite and unpatentable under 35 U.S.C. § 112. Applicant has amended Claim 2, deleting the offending phrase, to overcome the Examiner's rejections. Applicant believes that Claim 2, as amended, is in condition for allowance.

The Examiner also rejected Claims 1-6 under 35 U.S.C. § 103 as obvious and unpatentable over Blackburn (US5285050) in view of Gustavsson *et al.* (US5643480). Applicant respectfully traverses the Examiner's rejection because Blackburn and Gustavsson, either taken individually or together, do not possess all elements of Applicant's invention.

As the Examiner points out, Blackburn discloses a battery powered lighter (Fig. 1-17) comprising: a case; a battery (32); a resistance wire heating element (40); and a power switch (16, 16A, 76); wherein the case comprises: an ignition window (14), a slide member (62,82); and an operating button (16, 16A, 76). In addition, the Examiner notes that Gustavsson discloses an electric heating device (34) comprising a sheet type battery (45) that is not much thicker than normal letter paper to provide power (column 4, lines 1-10).

Blackburn and Gustavsson do not, however, disclose other portions of the invention, most notably the following limitation of Applicant's Claim 1:

an operation of the operating button is precluded in the state that the ignition window is closed by the slide member by a portion of the slide member being interposed between contacts of the power switch; and the power switch is capable of being closed and activated by an operation of the operating button in the state that the ignition window is open.

The slide member of Blackburn (62,82) has but one function; it merely opens and closes the ignition window. In addition to opening and closing the ignition window, the slide member

in Applicant's invention (6) has a lock portion (62) that can be interposed between the contacts of the power switch, thereby precluding an operation of the operating button. The lock portion thus prevents inadvertent establishment of the electrical connection at the power switch.

Accordingly, Applicant believes that Claim 1 is in condition for allowance. In addition,

- 5 Applicant believes that Claims 2-6, as amended, are in condition for allowance as claims dependent on Claim 1.

Conclusion

The Applicant respectfully submits that, in light of the above, the foregoing amendments and remarks place the application and Claims 1-12 in condition for allowance. To clarify any outstanding issues, the examiner is invited to call the applicant's attorney at the number below.

Respectfully Submitted,

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By

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